

## **Remarks**

### **The amendments to the claims**

The amendment to claim 4 merely makes it clear that the "message" of the claim is the "first message" of claim 1. The amendments to claims 5 and 12 make it clear that the exception notification is an automatic response to an exception condition in the managed processor. The amendments are supported at least by the definition of "Exception" at page 8 and the description of the Notification Service found in the first paragraph of page 15 and at page 16, second paragraph.

The amendment to claim 13 and new claim 20 more fully describe the interface which is used in the handset to control the managed processor. The amendments are supported at least by the interfaces shown in FIGs. 5 and 6 and described in the fifth and sixth paragraphs of page 15 and by the description of stage 729 in the flowchart of FIG. 7, which may be found in the first paragraph on page 17.

### **The rejections of the claims**

*The rejections under 35 U.S.C. 112, first paragraph*

Claims 6 and 18 are rejected for "lack of an enabling disclosure". Both of these claims are addressed to the interaction between managed computer 3 and global database 4 in which the managed computer sends a log of the interaction between the managed computer and handset 1 to the global database. The claimed interaction is supported at least at page 17, the last sentence of the first paragraph. As shown in FIG. 3 and described in the last paragraph of page 12, communication between managed computer 3 and global database 4 is via the Internet.

Claim 9 is a dependent Beauregard claim, as are claims 16 and 19, which are not rejected. Beauregard claims make it possible to treat those who maintain or distribute copies of media containing code which implements a patented apparatus or method as direct infringers of the apparatus or method. The "data storage device" in these claims is the *media*, not a data storage device in the apparatus or method which is implemented when the code contained in the media is executed. Whether a dependent Beauregard claim has

an enabling disclosure depends completely on whether the claim the Beauregard claim is dependent from has an enabling disclosure. Thus, because claim 1 has an enabling disclosure, so does claim 9.

*Anticipation of claims 1-4, 6-8, 10-11, 13-15, and 17-18 by Jordan*

A rejection under 35 U.S.C. 102 for anticipation requires that the anticipating reference show all of the limitations of the claim under rejection. Independent claims 1, 10, and 17 all include a limitation which is expressed in the following fashion in claim 1:

responding thereto by fetching user profile information via the network from a remote database that is remote from the second processor; and  
interacting further with the first processor as permitted by the fetched user profile information.

Terms which are important to the proper understanding of this limitation are "fetching", "user profile information", and "interacting ... as permitted by the fetched user profile information". "user profile information" is embodied in the User Profile of the preferred embodiment, which, as set forth at page 5, first paragraph, may include "a User Handset identification number, password, User Handset enabled/disabled status, command names and parameters". "fetching" is embodied in the preferred embodiment by "download[ing] the current User Profile from the Global Database" (page 5, second paragraph). In other words, "fetching" means *moving a copy of the* "user profile information" from the remote database to the second processor. The current User Profile is further downloaded "to govern the behavior of the user handset" (page 5, second paragraph), which embodies the claim language "interacting further with the first processor as permitted by the fetched user profile information" in the preferred embodiment. For more details on how the current User Profile "governs the behavior of the user handset", see the first paragraph of page 17. As can be seen from these locations, the downloaded User Profile determines not only *whether* a particular interaction between the first processor and the second processor will occur, but also *how* the particular interaction will take place. For example, the downloaded User Profile determines the command names that will appear in the handset's user interface.

Jordan discloses a system which permits a user of a cell telephone to employ a Web browser to access a text message which has been received in the cell telephone network for the user's cell telephone. As shown in FIG. 3, the text message is stored in message store 26. Access to message store 26 is controlled by user database 32, which is connected to database machine 30. As shown in the flowchart of FIG. 6, described in paragraphs 0034-0035, when a user wishes to use a Web browser to access a text message, he or she reaches a Web page maintained by the cell telephone system (66) which requests that the user input his or her username and password in order to access the text message (68). When the system of FIG. 3 receives the access request, (70), database machine 30 determines from user database 32 whether the user has access (72). If the user does have access (74), server 24 retrieves the message from message 26 and sends it to the browser.

As is apparent from the foregoing, the system of FIG. 3 merely employs database machine 30 to determine whether the user has access; there is no "fetching" of "user profile information" to the second processor (server 24) and no "interacting further with the first processor [the Web browser] as permitted by the fetched user profile information".

Examiner deals with this problem by rejecting Applicants' claims on the basis of FIG. 7, which describes how the user profile is edited. As described at 0037-0040, the process proceeds in the same manner as in FIG. 6 until step 104, which grants the user access to the profile. The system then displays the current profile (106), alters it according to the user's inputs (108), and then updates the profile in database 32 (110). Steps 102-110 are all performed by database machine 30 (paragraph 0038-039), which thus plays the role of the "second processor" of claim 1.

While database machine 30 does indeed fetch the user profile into the processor when the user is updating the user profile, at that point the user profile is merely *data* to be edited by the user. The fetched user profile does not determine how database machine 30 interacts with the user's browser while the user profile is being edited, and consequently,

Jordan does not disclose the limitation, "interacting further with the first processor as permitted by the fetched user profile information". Since that is the case, Jordan anticipates neither claim 1 nor any claim dependent from claim 1. The same arguments apply with regard to independent claims 10 and 17.

Certain of the dependent claims contain limitations which are also not disclosed in Jordan and are consequently patentable over the reference in their own rights. Claims 2-4 deal with the association between the user profile information and the first and second processors. In Jordan, there is no such association. The user profile information is associated with a mailbox in message store 26, not with the first processor (the Web browser) or the second processor (database machine 30). That is not surprising, since Jordan is concerned with accessing messages via a Web browser, not manipulating a processor via a handset. It is *because* Applicants' invention is concerned with manipulating a processor (the second processor) via a handset (the first processor) that the information in Applicants' database 4 is associated with the first and second processor (claim 2). Claims 3 and 4 set forth further limitations concerning the relationship between the processors and the user profile information.

Claims 6 and 18 set forth that a log derived from the interactions between the first and second processors is sent to Applicants' database. Examiner refers Applicants to FIGs. 3-7 for this limitation but cites no locations in Jordan's Specification. Applicants can find no indication either in the figures or the text of the Specification that Jordan maintains the log set forth in claims 6 and 18.

Claims 7-8 and 14-15 deal with the limitation that the network over which the first and second processors interact has a wireless component. The network of Jordan does have a wireless component, but as shown in Jordan's FIG. 1 and pointed out at 0017, the browser (computing device 18) interacts with gateway 16 of FIG. 3 via external network 14, which may be the Internet, and not via wireless network 12. Consequently, Jordan does not disclose the limitations set forth in claims 7-8 and 14-15.

*Anticipation of claims 1, 10, and 17 by Maddox*

Applicant respectfully submits that Maddox is not available as prior art against the present patent application. As may be seen from the *Corrected filing receipt* issued 7/25/2005 in the present patent application, the present patent application claims priority from U.S. provisional patent application 60/470,753, Burns, *Wireless network management system*, filed 5/15/2003. That date precedes the earliest possible priority date for Maddox, which is 6/18/2003, the filing date of the application of which Maddox is a CIP. Applicants have further reviewed the locations in Maddox cited by Examiner and find nothing in those locations which discloses the limitations of independent claims 1, 10, and 17.

*Anticipation of claims 1, 9-10, 16-17, and 19 by Rosselot*

This rejection amounts to a rejection of claims 1, 10, and 17, since claim 9 is a Beauregard claim dependent from claim 1, claim 16 is a Beauregard claim dependent from claim 10, and claim 19 is a Beauregard claim dependent from claim 17. A review of the locations in Rosselot cited in the rejection indicates that there is no disclosure in those locations of the limitation

responding thereto by fetching user profile information via the network from a remote database that is remote from the second processor; and  
interacting further with the first processor as permitted by the fetched user profile information.

As pointed out in the discussion of the rejections based on Jordan, this limitation is present in each of claims 1, 10, and 17. Rosselot consequently does not disclose the limitation and therefore cannot anticipate claim 1, 10, or 17.

*Obviousness of claims 5 and 12 over the combination of Jordan and Mohammed*

This rejection as stated requires that claims 1 and 10 be anticipated by Jordan. Applicants respectfully submit that the rejection would apply if *any* of Jordan, Maddox, and Rosselot anticipated claims 1 and 10. Because claims 1 and 10 are anticipated by none of these references, the combination of Mohammed with any of these references does not disclose all of the limitations of claims 5 and 12, and consequently, Examiner

has not made the *prima facie* case of obviousness required for a rejection under 35 U.S.C. 103. See in this regard MPEP 2142.

Applicants have further amended the language of claims 5 and 12 to better distinguish them from the user-initiated request for assistance disclosed in Mohammed and the disclosure in paragraph 0057 of Rosselot that "some technical difficulties may automatically generate messages for appropriate action by technicians". There is no disclosure in Rosselot that the automatically generated message results in another message being sent by whatever receives the automatically generated message, as required by claims 5 and 12. It is also unclear to what extent the technical difficulties embody the claimed "exception condition in the second processor". It is further unclear what component of Rosselot's system the automatically generated messages are directed to, and consequently also unclear whether the component could reasonably be regarded as Applicants' "first processor".

#### **Conclusion**

Applicants have demonstrated that their amended claims are fully supported by the application as filed and have traversed the rejections under 35 U.S.C. 112, first paragraph, 35 U.S.C. 102(e), and 35 U.S.C. 103. Applicants have consequently fulfilled the requirements of 37 C.F.R. 1.111(b) and respectfully request that Examiner continue with his examination, as provided in 37 C.F.R. 1.111(a). A petition for a 1-month extension of time and the requisite fee of \$60.00 accompanies this response. Any other required fee should be charged to deposit account 501315 and any overpayment should be credited to that account.

Respectfully submitted,

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